UNITED STATES	DISTRIC	T CO	JRT
SOUTHERN DIST	RICT OF	NEW	YORK

IN RE WORLD TRADE CENTER LOWER MANHATTAN DISASTER SITE LITIGATION

ORDER ENLARGING TIME TO SUBMIT SWORN ANSWERS

21 MC 102 (AKH)

USDC SDNY
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ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiffs' counsel, Gregory Cannata and Robert Grochow, ask, for two groups of plaintiffs, that I relax the requirement that answers to court-ordered interrogatories be sworn, as I ordered on August 29, 2011 and as Rule 33, Fed. R. Civ. P., requires. The sworn answers provided by plaintiffs are to be input by TCDI into a database intended to store the key information provided by all these plaintiffs, and to be accessible to the parties and to the Court.

Plaintiffs' counsel represent that six of these plaintiffs signed their answers but not under oath, and that 13, many of whom live abroad, neither signed nor swore to their answers. Plaintiffs' counsel comment that obtaining notarizations by such persons may be difficult.

Alternatively, plaintiffs' counsel ask, if I adhere to my prior ruling, for more time, until November 18, 2011.

My rulings follow:

Rule 33 of the Federal Rules of Civil Procedure requires that interrogatories be answered "by the party," "separately and fully in writing under oath," and signed. Fed. R. Civ. P. 33(b)(1), (3), (5). I will not make exceptions to this

requirement. My Order of August 29, 2011 so provided, and I will not modify the requirements of Rule 33.

However, and to avoid defaults, notwithstanding the need to move these cases forward, I grant an enlargement to provide sworn answers, but not beyond October 31, 2011. (See, e.g., 28 U.S.C. § 1746, authorizing and prescribing form of declarations.) This enlargement will be available to all plaintiffs needing more time, not just the plaintiffs for whom this application is made. An order, to be issued next week, will fix the ensuing dates for status conferences and for selecting cases for intensive discovery and trial, in lieu of the dates previously ordered -- October 11, November 1, and November 11, 2011. There are not likely to be any further enlargements of time for this phase of these proceedings.

The parties should not have furnished unsworn answers to TCDI for inputting. TCDI shall take steps necessary to purge unsworn information from the data bank if the defects are not cured by October 31, 2011.

SO ORDERED

Dated:

September 2011

New York, New York

VINK. HELLERSTEIN

United States District Judge